

1 **PLANNING COMMISSION MINUTES**

2  
3 **April 12, 2000**

4  
5  
6 **CALL TO ORDER:** Chairman Dan Maks called the meeting to order at  
7 7:00 p.m. in the Beaverton City Hall Council  
8 Chambers at 4755 SW Griffith Drive.

9  
10 **ROLL CALL:** Present were Chairman Dan Maks, Planning  
11 Commissioners Vlad Voytilla, Eric Johansen, Betty  
12 Bode, Chuck Heckman, Tom Wolch and Sharon  
13 Dunham.

14  
15 Principal Planner Hal Bergsma, Senior Planner  
16 Steven Sparks, AICP, Senior Planner Barbara Fryer,  
17 AICP, Assistant City Attorney Ted Naemura and  
18 Recording Secretary Sandra Pearson represented  
19 staff.

20  
21  
22  
23 The meeting was called to order by Chairman Maks, who presented the format for the  
24 meeting.

25  
26 **VISITORS:**

27  
28 Chairman Maks asked if there were any visitors in the audience wishing to address the  
29 Commission on any non-agenda issue or item. There were none.

30  
31 Chairman Maks observed that unless there are any objections, in order to expedite some  
32 of the shorter issues, he would like to change the order in which agenda items are heard.

33  
34 **NEW BUSINESS:**

35  
36 **PUBLIC HEARING:**

37  
38 Chairman Maks opened the Public Hearing and read the format for Public  
39 Hearings. There were no disqualifications of the Planning Commission members.  
40 No one in the audience challenged the right of any Commissioner to hear any of  
41 the agenda items, to participate in the hearing or requested that the hearing be  
42 postponed to a later date. He asked if there were any ex parte contact, conflict of  
43 interest or disqualifications in any of the hearings on the agenda. There was no  
44 response.

45  
46 **A. TA 2000-0004 – TITLE 4 IMPLEMENTATION TEXT AMENDMENT**

1 The Planning Commission will hear a City-initiated proposal on amending  
 2 Section 20.15.05.2.B.3. of the Development Code. The proposal would, if  
 3 approved, limit the amount of retail uses in the Campus Industrial (CI) zone to  
 4 60,000 gross square feet of building area. This amendment is proposed to bring  
 5 the City into compliance with Metro Title 4 provisions.

6  
 7 Senior Planner Steven Sparks presented the Staff Report and explained that this  
 8 application includes a text amendment (Ordinance No. 4079) that has been  
 9 remanded back by the Land Use Board of Appeals (LUBA). He advised that staff  
 10 recommends that the Public Hearing be opened to receive public testimony and  
 11 then continued to June 14, 2000. He observed that this Staff Report which had  
 12 been included in last week’s packet was referenced as TA 2000-0005, rather than  
 13 TA 2000-0004, apologizing for this confusion and indicating that this error has  
 14 been corrected. He clarified that TA 2000-0004 involves zoning regulations for  
 15 the industrial district, while TA 2000-0005 regarding parking standards will be  
 16 heard later in the meeting.

17  
 18 **PUBLIC TESTIMONY:**

19  
 20 This being the time for public comment regarding TA 2000-0004 – Title 4  
 21 Implementation Text Amendment, it was observed that no one appeared to testify  
 22 at this time.

23  
 24 Commissioner Heckman **MOVED** and Commissioner Dunham **SECONDED** a  
 25 motion to continue TA 2000-0004 – Title 4 Implementation Text Amendment,  
 26 amended throughout the document, as follows: “~~TA 2000-0005~~ **TA 2000-0004**,  
 27 to a date certain of June 14, 2000.

28  
 29 Motion **CARRIED**, unanimously.

30  
 31 Mr. Sparks requested that the Public Hearing be opened concurrently for related  
 32 text amendments TA 2000-0001 – Parking Standards Text Amendment and TA  
 33 2000-0005 – Title 2 and FEMA Implementation Text Amendment.

34  
 35 **OLD BUSINESS:**

36  
 37 **C. TA 2000-0001 – PARKING STANDARDS TEXT AMENDMENT**

38 (Continued from April 5, 2000)

39 The proposal would, if approved, amend the City’s parking standards by deleting  
 40 the parking tables and text found in Section 20.20.70, and modifying the text and  
 41 parking ratios in Section 60.20. The parking ratios to be modified will affect  
 42 some nonresidential land uses.

43  
 44 **NEW BUSINESS:**

45

1 **B. TA 2000-0005 – TITLE 2 AND FEMA IMPLEMENTATION TEXT**  
2 **AMENDMENT**

3 The Planning Commission will hear a City-initiated proposal on amending the  
4 City's Development Code which would, if approved, revise the City's parking  
5 standards consistent with Metro Title 2 requirements, amend the City's existing  
6 site development and flood plain regulations for further compliance with flood  
7 plain protection mandated by the Federal Emergency Management Agency  
8 (FEMA), and other amendments to the Code.

9  
10 Mr. Sparks presented the Staff Reports and referred to the previous Public  
11 Hearing concerning TA 2000-0004, in which the application includes a text  
12 amendment (Ordinance No. 4079) that has been remanded back by LUBA. He  
13 noted that Ordinance 4079 had contained three major themes, as follows: 1)  
14 establishing a limit for retail uses in the Campus Industrial Zone; 2) establishing  
15 new parking standards; and 3) adopting revisions to City Code and the  
16 Development Code as requested by the Federal Emergency Management Agency  
17 (FEMA). He pointed out that the industrial zoning regulations had been separated  
18 from other issues in Ordinance No. 4079 and submitted as a separate text  
19 amendment application (TA 2000-0004), adding that TA 2000-0004 had just been  
20 continued until June 14, 2000. He advised that all other issues included in  
21 Ordinance 4079 are included in the application referenced as TA 2000-0005. He  
22 referenced a Memorandum provided tonight by Assistant City Attorney Naemura  
23 explaining the situation and the appropriate action requested, specifically that the  
24 text listed in TA 2000-0005 be reconsidered and readopted. He referred to TA  
25 2000-0001 – Parking Standards Text Amendment, which amends the text in TA  
26 2000-0005 – Title 2 and FEMA Implementation Text Amendment. He  
27 emphasized the urgency in implementing this action in a timely manner, noting  
28 that both a draft land use order and a draft ordinance have been prepared for  
29 review and signature this evening, if possible. He recommended that the Public  
30 Hearing be opened to provide the audience the opportunity to provide testimony  
31 on this issue, at which time the Public Hearing could be suspended. At this time,  
32 the City Attorney's Memorandum can be reviewed for necessary information, and  
33 he and the City Attorney will respond to any questions or comments at that time.

34  
35 On question, Mr. Sparks informed Chairman Maks that it is preferable that TA  
36 2000-0005 be adopted prior to TA 2000-0001, since TA 2000-0001 amends TA  
37 2000-0005, adding that both proposed texts will be consolidated into a single  
38 ordinance to be presented tonight.

39  
40 Following a brief review of the Assistant City Attorney Naemura's Memorandum,  
41 on question, Mr. Sparks informed Chairman Maks that the City had reverted to  
42 the parking standards effective prior to the initial text amendment.

43  
44 Commissioner Heckman mentioned his comparison of TA 2000-0005 – Title 2  
45 and FEMA Implementation Text Amendment with the current text in the

1 codebook, which had been published December 9, 1999, adding that they are  
2 identical.

3  
4 Chairman Maks clarified that the Planning Commission is basically adopting the  
5 same text, with the exception that proper notification has been given this time.  
6

7 Assistant City Attorney Naemura said that the ultimate result is that the ordinance  
8 that caused staff to publish that text currently in the Development Code had been  
9 remanded to the City, resulting in a legally automatic reversion to earlier text. He  
10 clarified that a statutory change requires 45 days, rather than 30 days notification  
11 to DLCD prior to the first hearing. He observed that since the members of the  
12 Planning Commission had reviewed these packets, Commissioners might ask  
13 questions involving materials from these packets, which are familiar.  
14

15 On question, Mr. Sparks informed Commissioner Heckman that the document  
16 distributed before the meeting blends the proposed text in TA 2000-0001 and TA  
17 2000-0005.  
18

19 Observing that he has several questions regarding TA 2000-0001, Commissioner  
20 Johansen questioned whether an opportunity would be provided to discuss some  
21 issues not related directly to the numbers in the tables. Mr. Sparks agreed that  
22 this is feasible, adding that at least one extensive Public Hearing had already been  
23 held, prior to the adoption of Ordinance No. 4079. He advised that any additional  
24 concerns could be addressed at this time.  
25

26 Chairman Maks questioned whether there are any questions of staff regarding TA  
27 2000-0005 – Title 2 and FEMA Implementation Text Amendment at this time.  
28 He emphasized that he would like to expedite this matter and adopt what has been  
29 previously adopted, allowing the Planning Commission to take action and  
30 progress further.  
31

32 Commissioner Heckman indicated that he would like an easy, quick reference  
33 clarifying the differences, and Mr. Sparks assured him that this text could be  
34 cross-referenced page by page.  
35

36 **PUBLIC TESTIMONY:**  
37

38 This being the time for public comment regarding TA 2000-0005 – Title 2 and  
39 FEMA Implementation Text Amendment, it was observed that no one appeared to  
40 testify at this time.  
41

42 Assistant City Attorney Naemura indicated that he had no further comments.  
43

44 The public testimony portion of the Public Hearing was closed.  
45

1 Commissioner Dunham referred to an error on page 8 of the Staff Report,  
2 observing that the last section should be corrected to reflect TA 2000-0005, rather  
3 than TA 2000-0004.

4  
5 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a  
6 motion to approve TA 2000-0005 – Title 2 and FEMA Implementation Text  
7 Amendment, based upon the testimony, reports and exhibits presented during the  
8 Public Hearing and upon background facts findings and conclusions filed in the  
9 Staff Report dated April 12, 2000, with the following amendments on page 8:  
10 “APPROVE TA 2000-0004~~5~~...”

11  
12 Motion **CARRIED** unanimously.

13  
14 Chairman Maks indicated that TA 2000-0001 – Parking Standards Text  
15 Amendment would be discussed at this time.

16  
17 Commissioner Johansen referred to page 3 of 18, specifically Section  
18 60.20.10.2.A.4. Dual Parking Zones, and questioned whether the adoption of this  
19 section is a Metro requirement, and was informed by Mr. Sparks that this is  
20 discretionary on the part of the City.

21  
22 Commissioner Johansen referred to page 7 of 18, expressing his disagreement  
23 with requiring more parking for places of worship in a multiple use zone than in  
24 all other zones, and Mr. Sparks indicated that he would support an amendment to  
25 reflect consistency throughout the City (0.25 rather than 0.5).

26  
27 Commissioner Johansen referred to page 16 of 18, observing that this section had  
28 been adopted prior to the adoption of the new parking standards. He questioned  
29 whether this particular section should still be in the code given the circumstances  
30 that the City is currently in the process of adopting reduced parking standards.

31  
32 Mr. Sparks commented that the required parking ratios within the City of  
33 Beaverton have not been reduced, although consistent with Title 2 of the Urban  
34 Growth Management Functional Plan, adding that prior parking standards have  
35 been retained.

36  
37 Commissioner Johansen pointed out that the concept of Title 2 is to eliminate  
38 excess parking, and Mr. Sparks explained that Title 2 establishes a maximum  
39 parking standard, with the result that reduces that amount of parking.

40  
41 Commissioner Heckman referred to page 2 of 18, specifically Section  
42 60.20.10.1.A. and requested clarification of the omission of the word “walking”,  
43 and Mr. Sparks informed him that the intent of the change is to eliminate the  
44 specificity of “walking” distance, which is impossible to define accurately.  
45 Commissioner Heckman emphasized that ¼ mile straight-line distance could

1 easily necessitate up to  $\frac{3}{4}$ s of a mile walking, and Mr. Sparks indicated that for  
2 staff's purposes, this is a simpler way to deal with this issue.

3

4 Commissioner Heckman referred to page 3 of 18, specifically Section  
5 60.20.10.2.A.4. Dual Parking Zones, questioning whether he understands  
6 correctly that the Regional Center East (RCE) Zoning District will never have  
7 LRT. Mr. Sparks discussed the possibility of the establishment of a new light rail  
8 station at 114<sup>th</sup> Avenue. If that were to occur that particular RCE zoning would  
9 be converted to RCTO (transit-oriented). He added that bus lines within RCE do  
10 meet the criteria for a Zone A situation, and that only two parcels in the RCE  
11 meet this exception, both located at the end of SW Griffith Drive at 5<sup>th</sup> Avenue.

12

13 Commissioner Heckman referred to page 5 of 18, and requested clarification for  
14 the elimination "Care Facilities (per bed, maximum capacity), and Mr. Sparks  
15 referred to this as an anachronism for "Residential Care Facilities" which is  
16 covered elsewhere, adding that this is an attempt to clean up language in the code.  
17 On question, he informed Commissioner Heckman that he would have to review  
18 the code to determine the differences between the facilities that would handle up  
19 to 5 individuals and those responsible for up to 100 individuals, although he  
20 believes this amendment is inclusive of both types of care facilities.

21

22 Commissioner Heckman referred to page 15 of 18, specifically Section  
23 60.20.10.9.A., suggesting that the current section should be Section  
24 60.20.10.9.A.1, and the addition should be Section 60.20.10.9.A.2, emphasizing  
25 that this should be a new paragraph.

26

27 Commissioner Voytilla referred to the table on page 7 of 18, specifically whether  
28 the FTE parking requirements for a school is automatically combined for an  
29 auditorium or athletic facility in addition to that. Mr. Sparks observed that in  
30 drafting this particular ordinance, the City of Beaverton has not considered at this  
31 time extra activities that might occur on a school campus. He added that this is a  
32 reflection of numbers provided by Metro for the Title 2 Tables and that while he  
33 assumes that the issue of additional uses had at least been debated, the parking in  
34 an elementary school is limited to staff.

35

36 Commissioner Voytilla referred to page 17 of 18, specifically Section  
37 60.20.10.10.B., requesting clarification of the role of the Transportation  
38 Management Association. Mr. Sparks explained that the City of Beaverton  
39 belongs to this particular organization, which facilitates the utilization of alternate  
40 and shared methods of transportation for businesses (transit, shuttle busses, etc.).  
41 Commissioner Voytilla expressed his opinion that the text should reflect that the  
42 City participates in this particular "program", and Mr. Sparks observed that this  
43 approved text comes directly from the current multiple use section and that he  
44 does not feel comfortable substituting the word "Association" with "Program".  
45 Commissioner Voytilla noted that he was not suggesting this, although he  
46 believes the issue should be clearly defined. Mr. Sparks advised that this section

1 be amended to include the word “Program” after “Transportation Management  
2 Association”, and Commissioner Voytilla agreed that this provides necessary  
3 clarification. He questioned the possibility of defining this term in the definitions,  
4 and Mr. Sparks informed him that this would be difficult to include at this time,  
5 since this amendment is being adopted tonight, although this would be tagged for  
6 inclusion in a future omnibus amendment. Chairman Maks advised that to ensure  
7 consistency throughout the code, this should probably be reviewed at a later date.  
8 Commissioner Voytilla observed that this particular organization is also referred  
9 to on page 18 of 18 in Section 60.20.10.10.C.3. Mr. Sparks referred to a  
10 definition of a Transportation System Management, noting that it does not include  
11 the words Transportation Management Association, adding that this will be  
12 clarified in a subsequent omnibus amendment.  
13

14 Chairman Maks referred to Commissioner Heckman’s changes regarding  $\frac{1}{4}$  mile  
15 distance versus  $\frac{1}{4}$  mile walking distance and expressed his disagreement,  
16 emphasizing that he is reluctant to enforce parking standards based upon walking  
17 distances or proximity to transit. Mr. Sparks responded that the issue concerns  
18 parking maximums, rather than a requirement for x number of parking spaces,  
19 emphasizing that it is still necessary to provide a certain number of parking  
20 spaces. Chairman Maks discussed the possibility of placing a maximum, based  
21 on a  $\frac{1}{4}$  mile proximity to transit facilities, which is truthfully  $\frac{3}{4}$  of a mile, the  
22 result may be insufficient parking because people will not use the transit. He  
23 emphasized that these cars will park somewhere – a neighborhood, a street or  
24 another business. Mr. Sparks explained that this does not involve a ceiling that  
25 can not be altered, adding that a variance is available. Chairman Maks cautioned  
26 that under the current code, a variance requires proof of hardship, adding that this  
27 is unrealistic. Commissioner Heckman identified possible problems encountered  
28 with this issue, stressing that a great deal of transit ridership is based upon how far  
29 an individual may have to walk in inclement weather to board the bus or train.  
30 Chairman Maks emphasized the necessity of implementing the correct maximum  
31 parking throughout the year, rather than the 8 days prior to Christmas.  
32

33 Mr. Naemura discussed harmonizing this policy with other policies within the  
34 Development Code and noted that supplanting the walking distance with straight-  
35 line distances. This provides for matching the functional capacity increases  
36 already planned for the area, which has the effect of providing incentive for  
37 people to get out of their cars closer to transit stops. He discussed implementation  
38 of Metro’s design types that will further foster a pedestrian environment, adding  
39 that some of these “walking distances” are frequently not realistic. Chairman  
40 Maks informed Mr. Naemura that he understands these issues, although some  
41 areas of code still refer to “walking distance”, adding that it appears that he is sug-  
42 gesting allowing development to push the infrastructure, which he opposes. Mr.  
43 Naemura countered that he is not suggesting this as a policy, and Chairman Maks  
44 observed that he indicated that you could plan and develop when a transit amenity  
45 is actually not  $\frac{1}{4}$  of a mile away. So, in effect, while individuals will not get out  
46 of their cars and utilize the transit system, action will be taken at a later time to

1 provide for better pedestrian connections. Mr. Naemura clarified that the policies  
2 within the transportation system are being put into place, noting that large-scale  
3 development can and needs to accommodate infrastructure and density and such  
4 creativity should be encouraged. Chairman Maks emphasized that this cannot  
5 happen in some areas of the City of Beaverton, adding that while he understands  
6 Mr. Naemura's position on this issue, he has not changed his position.

7  
8 Observing that this may not be appropriate at this particular time, Commissioner  
9 Wolch expressed his concern with Home Depot's position and questioned when  
10 this will be addressed by the Planning Commission and Chairman Maks agreed  
11 that this is most likely not an appropriate time to address this issue. Mr. Naemura  
12 indicated that Commissioner Wolch would have to obtain this information from  
13 Home Depot, adding that the briefing had focused around Title 4, which concerns  
14 the issue of limiting retail and employment in industrial areas, which had been  
15 continued.

16  
17 Commissioner Voytilla referred to the table on page 7 of 18, specifically parking  
18 ratio requirements for Transit Centers, which is not defined, and Mr. Sparks  
19 informed him that parking is not required at these facilities. Commissioner  
20 Voytilla emphasized that if there is not adequate parking, people will not utilize  
21 the transit option. Mr. Sparks referred to an appropriate amount of parking for a  
22 transit center, and observed that Sunset Station fills up fairly rapidly, adding that  
23 their parking had been limited to what is currently available. Chairman Maks  
24 informed Commissioner Voytilla that Tri-Met generally determines their own  
25 needs, and Mr. Sparks clarified that their philosophy is that if parking is available  
26 at the transit stations, people will not utilize the buses.

27  
28 **PUBLIC TESTIMONY:**

29  
30 This being the time for public comment regarding TA 2000-0001 – Parking  
31 Standards Text Amendment, it was observed that no one appeared to testify at this  
32 time.

33  
34 Mr. Sparks observed that if the Planning Commission intends to adopt this text  
35 amendment tonight, he will go upstairs and redraft the ordinance to reflect any  
36 changes and provide the Land Use Order reflecting these changes with the  
37 attached ordinance for their signature this time.

38  
39 Assistant City Attorney Naemura indicated that he had no further comments.

40  
41 The public testimony portion of the Public Hearing was closed.

42  
43 Observing that he supports the majority of this text amendment, Chairman Maks  
44 expressed his opposition to dropping the walking distance with regard to the ¼  
45 mile of transit stops for Parking Zone A and Parking Zone B. He emphasized the

1 necessity of planning for the future while also considering today; noting that he  
2 does not support this amendment, as drafted.

3

4 Commissioner Wolch noted that he basically supports this amendment and that he  
5 understands the walking distance issue, adding that the main problem is that if it  
6 is not simple and clear, it is then difficult. He commented that he does understand  
7 Chairman Maks' concern, stressing the importance of a long-term pedestrian-  
8 friendly vision, more like downtown business area, which could occur in steps,  
9 over a period of time. He indicated that he would support a motion to continue  
10 this Public Hearing to obtain additional information.

11

12 Commissioner Heckman repeated concern with walking distances, pedestrian  
13 environment and connection, as well as reality. He expressed his support of the  
14 amendment, with the exception of those particular two paragraphs.

15

16 Commissioner Johansen expressed his support of the amendment, adding that he  
17 also agrees with Commissioner Heckman and Chairman Maks regarding the issue  
18 of walking distance. He discussed the 20-minute peak hour standard for quality  
19 service, expressing his opinion that this is not sufficient to convince people to get  
20 out of their cars.

21

22 Commissioner Voytilla expressed his agreement with the issue regarding walking  
23 distance, adding that the reality of implementing this in the future will be so  
24 expensive and difficult to administer, adding that he is in favor of a continuance.

25

26 Commissioner Bode commented that she is not in favor of this text amendment  
27 and would abstain from voting at this time. She added that she does not feel that  
28 the system adequately supports pedestrians currently using the system or future  
29 use, and that she is in support of a continuance.

30

31 Commissioner Dunham concurred that she is in agreement with a continuance,  
32 based upon a discussion of Parking Zone A and Parking Zone B and the walking  
33 distance issue, as well as the park-and-ride facilities in the transit center.

34

35 Chairman Maks referred to walking distance, which only applies to parking  
36 standards and does not include pedestrian connections or density, adding that  
37 because this only applies to parking, there is no reason for a continuance.

38

39 Commissioner Dunham expressed her support of the amendment and Commis-  
40 sioner Voytilla concurred, on the condition that "walking" distance is not deleted.

41

42 Commissioner Heckman observed that staff has concerns with the method of  
43 anticipating and projecting a ¼ mile walking distance, suggesting that the  
44 language be modified to provide that the pedestrian walking distance be no  
45 greater than 1600 feet (1/4 mile is 1320 feet) or some other finite number.  
46 Chairman Maks suggested that the amendment indicate approximately ¼ mile,

1 and Commissioner Heckman reminded him that he does not feel comfortable with  
2 this indefinite term.

3  
4 Mr. Sparks recommended that the Planning Commission not continue this issue to  
5 a later date, suggesting that it be continued to later this evening, at which point he  
6 can return with an appropriate definition, if necessary. He discussed retaining the  
7 walking distance text as it exists in Ordinance No. 4079, staff would develop an  
8 administrative rule/interpretation, which would provide for ¼ mile and using the  
9 public right-of-way. Chairman Maks agreed with this proposal.

10  
11 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a  
12 motion to approve TA 2000-0001 – Parking Standards Text Amendment, based  
13 upon the testimony, reports and exhibits presented during the Public Hearing and  
14 background facts findings and conclusions filed in the Staff Report dated April 5,  
15 2000, with the following amendments: 1) page 2 of 18, Section 60.20.10.2.A.2.  
16 Parking Zone A – retain the word “walking” in two locations; where it has been  
17 deleted; and Section 60.20.10.2.A.3. Parking Zone B – retain the word “walking”  
18 in four locations, where it has been deleted; and 2) page 7 of 18, Section  
19 60.20.10.5, Places of Worship in Multiple Use Zones, as follows: ~~0.5~~ **0.25**.

20  
21 Motion **CARRIED**, unanimously, with the exception of Commissioner Bode,  
22 who abstained from voting on this issue.

23  
24 Mr. Sparks informed Chairman Maks that he would revise the Land Use Order  
25 and the Ordinance Text, both of which he will return with for signature later this  
26 evening.

27  
28 **APPROVAL OF ORDERS:**

29  
30 **A. TA 99-00015 – APPLICATION SUBMITTALS**

31 (Continued from April 5, 2000)

32 This City-initiated Development Code text amendment will, if approved,  
33 standardize application submittal requirements and add a provision for the  
34 enforcement of conditions for approval. The proposed amendments will affect all  
35 development and all properties within the City of Beaverton.

36  
37 Mr. Sparks presented the Staff Report and observed that he has nothing to add  
38 since his Memorandum dated April 6, 2000.

39  
40 Commissioner Voytilla referred to the correction identified as “finding for  
41 denial”, and Mr. Sparks indicated that he had not added “for denial” to “such a  
42 finding”. Commissioner Heckman remarked that it had been his understanding  
43 that the term “such a finding” had been approved and that “for denial” had not  
44 been included. Chairman Maks, Commissioner Voytilla and Mr. Naemura  
45 informed Commissioner Heckman that their recollection of the understanding had  
46 been “finding for denial”.

1 Commissioner Dunham referred to page 1, Section 30, specifically “an interested  
2 party”, and questioned the possibility of amending this to indicate “any interested  
3 party”, which is more inclusive, and Mr. Sparks agreed with her request.  
4

5 **PUBLIC TESTIMONY:**  
6

7 This being the time for public comment regarding TA 99-00015 Application  
8 Submittal Text Amendment, it was observed that no one appeared to testify at this  
9 time.  
10

11 The public testimony portion of the Public Hearing was closed.  
12

13 Commissioner Voytilla **MOVED** and Commissioner Heckman **SECONDED** a  
14 motion to approve TA 99-00015 – Application Submittal Text Amendment, based  
15 upon the testimony, reports and exhibits presented during the Public Hearing and  
16 background facts findings and conclusions filed in the Staff Report dated April 5,  
17 2000, and the Memorandum dated April 6, 2000, with the following amendments:  
18 1) page 1 of the Memorandum, Section 1: “such a **finding for denial** would...”;  
19 2) page 1 of the Memorandum, Section 30: “made by ~~an~~ **any** interested party”;  
20 and 3) review of the application materials prior to signature of the Land Use  
21 Order.  
22

23 At the request of Chairman Maks, Commissioner Voytilla **MOVED** and  
24 Commissioner Heckman **SECONDED** a motion for withdrawal of the previous  
25 motion for approval of TA 99-00015 – Application Submittal Text Amendment,  
26 as amended, until such time later this evening when Mr. Sparks returns with the  
27 forms and the amended document.  
28

29 Commissioner Voytilla **MOVED** and Commissioner Heckman **SECONDED** a  
30 motion to continue TA 99-00015 – Application Submittal Text Amendment to a  
31 time later this evening when Mr. Sparks returns with the appropriate documents.  
32

33 Motion **CARRIED** unanimously.  
34

35 8:15 p.m. – 8:25 p.m. Recess.  
36

37 **OLD BUSINESS:**  
38

39 **CONTINUANCES:**  
40

41 **B. CPA 99-00005/CPA 99-00006 – LOCAL WETLAND INVENTORY**

42 (Continued from March 22, 2000)

43 The proposed amendment implements Periodic Review Order #00717 (formerly  
44 WO#00628), Work Task # 3 - Goal 5 Inventory. This work task amends  
45 Beaverton’s Comprehensive Plan by adding supporting data to the Local Wetland  
46 Inventory and Riparian Assessment and text to the Comprehensive Plan

1 explaining the purpose of the map. The map amendment (CPA99005) would  
2 bring the City of Beaverton Comprehensive Plan Maps up to date with respect to  
3 Natural Resources by implementing Goal 5 requirements to prepare and adopt a  
4 Local Wetland Inventory and Riparian Assessment.

5  
6 The map proposal amends Beaverton's Comprehensive Plan Significant Natural  
7 Resource map to update the 1984 data by adding Local Wetland Inventory and  
8 Riparian Assessment map areas, information required under Statewide Planning  
9 Goal 5. The Map was prepared according to the methodology prescribed by Goal  
10 5 implementing regulations (OAR 660-23-090 AND OAR 660-23-100). The text  
11 portion of the amendment (CPA99006) adopts the supporting documents,  
12 including the methodology for implementing Goal 5 Local Wetland Inventory and  
13 Riparian Assessment regulations (OAR 660-23-090 AND OAR 660-23-100).

14  
15 Observing that he had not been present at the first Public Hearing regarding this  
16 application, Commissioner Heckman noted that although he had reviewed the  
17 minutes from this meeting, because he was not present he does not feel  
18 comfortable participating in this process. He referred to the fact that he had no  
19 way of reviewing the "demeanor evidence" presented in that meeting, and  
20 requested permission to abstain from this particular issue. Assuring  
21 Commissioner Heckman that he will respect his decision in this matter, Chairman  
22 Maks urged that he at least participate in the discussion, even if he decides not to  
23 vote on the issue. Mr. Naemura agreed that this is a possible solution and  
24 recommended that Commissioner Heckman be present during this legislative  
25 proceeding. He observed that although demeanor evidence is a recognized form  
26 of evidence, he expressed his opinion that the queries of fellow commissioners  
27 can provide him with an understanding of the depth of the witness's demeanors.  
28 Commissioner Heckman expressed his appreciation of the comments and  
29 recommendation of Mr. Naemura, emphasizing that in this particular case, he will  
30 participate in the Public Hearing but does not feel comfortable participating in any  
31 decision. Senior Planner Barbara Fryer observed that all members of the public  
32 who had testified at the first Public Hearing, with the exception of Mr. Pat Russell  
33 who submitted a letter, are present and she expects that they will provide  
34 additional testimony tonight.

35  
36 Senior Planner Barbara Fryer presented the Staff Report and stated that they had  
37 met regarding this issue on several prior occasions, adding that the most recent  
38 complete Staff Report dated April 5, 2000, had been distributed. She discussed  
39 several supplemental handouts she had distributed, including:

- 40  
41 I. **Exhibit 1:** A 2-page matrix (Storm and Surface Water Rules  
42 Chapter 3), comparing the stream regulations, either adopted to  
43 date, or proposed;  
44 II. **Exhibit 2:** A matrix providing a summary of issues she observed  
45 at the Planning Commission with information in terms of "inside"  
46 and "outside" the City limits, with respect to adoption of the Local

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Wetland Inventory. She commented that UPAA has not been updated and that an Urban Service Boundary has been in flux on the western side, and a boundary on the eastern side of the City has been adopted and approved through Washington County, the City of Portland, the City of Beaverton and Metro. She discussed annexation boundaries south and north of Highway 26, adding that the decision had been made to go beyond current City boundaries because some of these areas may be annexed within a reasonable period of time. She discussed requirements of the Army Corps of Engineers, the Division of State Lands and Unified Sewerage Agency, emphasizing that all are in effect whether or not the wetlands are mapped. She commented that all of these regulatory agencies have a tendency towards a regional approach of wetland planning, adding that a common approach is the watershed approach.

- III. **Exhibit 3:** Letter from Shapiro & Associates, Inc., in response to comments. She pointed out that the determination of the actual extent of potentially jurisdictional boundaries for wetlands located on a site necessitates a wetland delineation, urging that Commissioners keep this in mind while receiving testimony tonight.
- IV. **Exhibit 4:** Oregon Freshwater Wetland Assessment Methodology (OFWAM) Glossary (page 99) and Glossary from the Urban Riparian Inventory and Assessment Guide, which provides definitions of terms associated with wetlands. The OFWAM definitions are as follows: a) Intermittent Stream -- streams that flow primarily during the wet seasons when the water table is high, and remain dry for a portion of the year. Most intermittent streams flow for a good portion of the year; and b) Perennial Stream -- a stream that normally flows year round in all years because it is sustained by ground water discharge as well as by surface runoff. The Riparian Guide defines the terms as follows: a) Intermittent Stream – a stream that has interrupted flow or does not flow continuously; and b) Perennial Stream – a continuously flowing stream.
- V. **Exhibit 5:** Letter from Equity Residential Properties Trust, requesting that their records be changed with respect to who receives future correspondence.
- VI. **Exhibit 6:** Letter from Pat Russell, providing additional comments regarding the Federal National Marine Fisheries Service 4D Rule. She emphasized that the Local Wetland Inventory is a Goal 5 Process, not a response to this 4D Rule, regarding the Upper Willamette Spring Run Chinook and West Coast Steelhead, adding that this proposed rule is irrelevant to this particular action. Although this could potentially assist in compliance with the 4D Rule, it is not intended to serve as the compliance document or supercede any regulations within this rule, which is still in draft

1 form. It should be finalized in June 2000, at which time it may or  
2 may not become effective.

3 VII. **Exhibit 7:** Letter from Gregory L. Specht, including information  
4 and maps and previous commentary submitted at an earlier time.  
5 She observed that contrary to what Mr. Specht indicates, Shapiro  
6 had actually mapped the wetland adjacent to his property correctly  
7 and with the exact boundaries as submitted by Mr. Specht. He  
8 mentioned that he also has expressed concerns with fill permit  
9 boundaries, which are not designated on the Local Wetland  
10 Inventory. She advised that only the fill permit numbers are  
11 indicated on the Local Wetland Inventory.

12 VIII. **Exhibit 8:** Letter from Laura Hill, representing Friends of Rock,  
13 Bronson & Willow Creeks. Ms. Fryer indicated that she would  
14 reserve any comments she might have until after Ms. Hill has  
15 testified.

16  
17 Commissioner Johansen referred to Shapiro's letter, page 3, regarding the Hartley  
18 property, specifically section 4.c.), which references the USGS quad map, and  
19 questioned how recently USGS has actually mapped these areas. Ms. Fryer  
20 explained that while she does not recall the exact dates, she does believe they are  
21 about 30 years old. Commissioner Johansen suggested that he finds it odd that  
22 they would rely on such outdated material and Ms. Fryer observed that part of the  
23 Local Wetland Inventory criteria involves the mapping of database, which  
24 includes the USGS quad, emphasizing that the National Wetlands Inventory is  
25 also based on this document.

26  
27 **PUBLIC TESTIMONY:**

28  
29 This being the time for public comment regarding CPA 99-00005/CPA99-00006 -  
30 - Local Wetland Inventory, Chairman Maks requested that the public restrict  
31 individual testimony to 5 minutes.

32  
33 **PHILLIP FRENCH**, 9396 SW 171<sup>st</sup> Avenue, Beaverton, OR 97007, appeared  
34 regarding the Local Wetland Inventory and clarified his interest in this issue,  
35 noting that he does own several parcels of property located just outside the area  
36 studied on the other side of 170<sup>th</sup> Avenue. He observed that this stream does go  
37 through his property, so although he does have some financial interest in this  
38 issue, his testimony is in favor of preserving the wetland and riparian areas.  
39 Referring to the Shapiro response to his testimony, he noted that he believes they  
40 have made the necessary corrections to Map 30. He mentioned that it is his  
41 understanding that Shapiro has indicated that his evidence is anecdotal, on the  
42 basis that his study was not performed by a biologist or a hydrologist, noting that  
43 the consultants had declined his offer to review his concerns and study the select-  
44 ed site. He pointed out that his testimony at the first Public Hearing had provided  
45 some significant information, adding that although he had been incorrect in some  
46 instances, this does not eliminate the existence of a wetland. He emphasized that

1 water exists in that stream at all times throughout the year, and referenced page 4  
2 of Shapiro's letter that states that the area to which he is referring is a significant  
3 habitat and stream that should be recognized and preserved.  
4

5 Commissioner Heckman questioned whether Mr. French had observed water  
6 flowing in this stream during the summer of 1992, and Mr. French observed that  
7 in all honesty, he had no recollection, as it had been so long ago. Commissioner  
8 Heckman informed Mr. French that the summer of 1992 had been the dry year,  
9 adding that his association had paid a water bill of \$180,000 during that summer.  
10

11 **ROSS TEWKSBURY**, P. O. Box 25594, Portland, OR 97298, representing The  
12 Friends of Beaverton Creek, observed that he would like to discuss certain areas  
13 of wetlands at this time. Noting that this involves the headwaters of Beaverton  
14 Creek and has been designated as a flood plain by United Sewerage Agency, he  
15 emphasized the impact on water quality. He discussed riparian area, describing it  
16 as a vital form of natural habitat, and mentioned an area located on Map 12,  
17 noting that this particular area is located off of 178<sup>th</sup> Avenue, across from Raleigh  
18 Park. He emphasized that he had brought up all of these issues at previous  
19 hearings, and mentioned that at certain times of the year, Raleigh Park is  
20 completely saturated. He expressed his opinion that this area should be  
21 designated as a wetland. He referred to Natalie Darcy's comments regarding Golf  
22 Creek, which he feels had not been properly addressed by the consultants and  
23 mentioned Neal Park, expressing his concern that the picture on the map appears  
24 rather vague and does not clearly indicate the riparian nature of the area.  
25

26 **DON PAULSON**, 95 NW 150<sup>th</sup> Avenue, Aloha, OR 97006, referred to Map 32  
27 and expressed his opinion that a main problem with his issue is because this map  
28 is misleading in indicating the property he is concerned with. He emphasized that  
29 contrary to Mr. Shapiro's response, he is not referring to the area that is to the  
30 south, but the area that is on his own property. He stressed that no open ditch  
31 exists from his property to the intermittent stream, emphasizing that this is an  
32 intermittent stream, rather than a perennial stream. He discussed Ms. Fryer's  
33 testimony indicating that it is within the City of Beaverton's responsibility to have  
34 the authority to delineate his property to the City's satisfaction. He noted that in  
35 anticipation of a negative response from the City of Beaverton, he had spent a  
36 great deal of money to have a professional perform a wetland reconnaissance on  
37 his property. Observing that his consultant is basically in agreement with him, he  
38 requested that the City of Beaverton: 1) not delineate or identify (shade) his  
39 property as a wetland on the map; 2) redesignate the stream as an intermittent  
40 stream, rather than a perennial stream; and 3) (at this time he distributed  
41 handouts) please consider his predicament. He encouraged Commissioner  
42 Heckman to vote on this issue, emphasizing that his property is not a part of the  
43 City of Beaverton and not a wetland.  
44

45 Following a review of Mr. Paulson's handout, Chairman Maks questioned  
46 whether the consultant is registered or qualified to perform a wetland delineation.

1 Commissioner Voytilla advised Chairman Maks that he is familiar with this  
2 particular individual and has utilized his professional services in the past.

3

4 Chairman Maks referred to paragraph 2, page 1 of the letter, questioned whether  
5 he understands that this is only an identification, rather than a delineation. He  
6 discussed one small area in back portion of property where vegetation is  
7 dominated by specific species, which may indicate that a wetland is located there,  
8 adding that buttercups and certain native plants indicate a wetland area. Although  
9 direct evidence is not a true delineation, the characteristics of the area indicate  
10 that there could or could not be a wetland located there. Mr. Paulson mentioned  
11 the three necessary criteria: 1) water, 2) vegetation; and 3) over ½ an acre, and  
12 Chairman Maks clarified that the identification process only provides that there  
13 could be a wetland here. Mr. Paulson observed that under this criteria, many  
14 areas that have not been designated as a wetland could easily fall within that  
15 category, adding that it is impossible to shade every potential area. Chairman  
16 Maks agreed, pointing out that while he does not believe that the presence of an  
17 Oregon Ash necessarily indicates the presence of a wetland, buttercups and other  
18 such vegetation clearly indicate that it is likely. Mr. Paulson pointed out that a  
19 great deal of the problem is that while 20 years ago, this area was a bonafide  
20 wetland, the Tualatin Hills Parks and Recreation Department had changed the  
21 characteristics of the area. Indicating that he understands this issue, Chairman  
22 Maks thanked Mr. Paulson for providing this information, adding that his  
23 understanding of this information does not directly refute Shapiro's position.

24

25 **LAURA HILL**, 220 SW Salix Terrace, Beaverton, OR 97006, appeared and  
26 noted that she is a wildlife biologist and represents The Friends of Rock, Bronson  
27 and Willow Creeks. Emphasizing that the Local Wetlands Inventory is for  
28 informational purposes and needs to include as much information as possible, she  
29 expressed her frustration at finding that information they had submitted had not  
30 been included because certain wetlands were less than 0.5 acres in size. She  
31 proposed that rather than eliminate this information, retain it and utilize the flag  
32 system that she had suggested. She discussed her information regarding  
33 classified fish habitat that had been prepared by fish biologists representing the  
34 Oregon State Department of Fish and Wildlife, noting that basically the codes in  
35 these maps show all the streams in Beaverton to be fish-bearing. She emphasized  
36 that Willow Creek and Bronson Creek are both identified as fish-bearing streams.  
37 She described intermittent streams very important for both fish and wildlife,  
38 particularly the fish, which spawn in these areas. More gravel is available in the  
39 bottom, which is necessary for these fish to spawn at this particular time when  
40 they need to get out of the fast-flowing water. Although many of these streams  
41 are degraded at this time, they can recover. Action that can be taken to protect  
42 them will prevent future listings of species as endangered and provide strong  
43 riparian and wetland protection. She strongly supported the watershed approach,  
44 urging that the City be supportive of this type of approach, which are very  
45 effective for endangered species. An additional advantage is that it minimizes  
46 costs. She expressed her opinion that there is a better way to facilitate this

1 planning, adding that it is not unreasonable to implement 200-foot buffers along  
2 streams and even wider corridors for protection purposes.

3

4 Chairman Maks referred to the flag system she had suggested, and questioned  
5 where data originates from resulting in a yellow flag, and was informed by Ms.  
6 Hill that this would indicate one of the wetlands under 0.5 acres on which the City  
7 already has information, which has been submitted by citizens. On question, she  
8 clarified that these have not been actually validated by a qualified professional.  
9 Chairman Maks explained that the City of Beaverton needs to balance the needs  
10 of all interested parties and property owners, and Ms. Hill informed him that she  
11 is not attempting to imply that the yellow-flagged wetlands would actually be  
12 mapped, adding that this would exist as information within City files. She  
13 pointed out that if a potential buyer requested this information on a property, this  
14 information would not be available until development is proposed.

15

16 Commissioner Voytilla referred to this proposed red flag/yellow flag system,  
17 questioning when she proposes this be done and whether it is to be in conjunction  
18 with the Local Wetland Inventory. Ms. Hill informed him that this could happen  
19 concurrently with adoption of Wetland Inventory and be utilized from that point  
20 on. On question, Chairman Maks informed Commissioner Voytilla that there  
21 would be no visual marker on the property, that the flag would appear on the map.  
22 Ms. Hill clarified that her intent is for the yellow-flag information to be retained  
23 in staff files, rather than on an actual map.

24

25 Commissioner Heckman questioned the earliest time any person could ascertain a  
26 red or yellow flag is present on a certain property, and Ms. Hill indicated that this  
27 would occur at the time when this individual proposes to develop a parcel.  
28 Commissioner Heckman requested clarification of his understanding that she feels  
29 that prior to development, there is no need for any individual to be aware of a red  
30 or yellow flag. Ms. Hill indicated that this is a legal question for counsel to deter-  
31 mine, whether or not an individual who has no legal interest in a property can  
32 obtain that information. Commissioner Heckman referred to a potential  
33 purchaser, expressing concern that they should have access to such information,  
34 and Ms. Hill indicated that this should not be a problem and that this individual  
35 should have access to this information. Commissioner Heckman advised her that  
36 she keeps referring to the “developer”, which does not necessarily include a  
37 potential purchaser. Ms. Hill clarified that a potential problem is that a yellow  
38 flag does not indicate that the information has actually been verified.  
39 Commissioner Heckman emphasized that the yellow flag does indicate that the  
40 possibility of a wetland does exist.

41

42 Commissioner Dunham referred to related work Ms. Hill had done in California,  
43 and questioned whether any system such as the red flag/yellow flag system is in  
44 effect in any jurisdiction there. Ms. Hill indicated that she is not aware of any  
45 such system, and informed Ms. Dunham that she is not aware of any other such  
46 system, adding that this is her own idea.

1 Commissioner Bode requested clarification on whether a piece of property could  
2 at one point be designated a wetland and then at a later time be determined not to  
3 be a wetland. Ms. Hill informed her that this is potentially true, adding that the  
4 property could be filled in. Commissioner Bode discussed the red flag/yellow  
5 flag system, observing that because a wetland is basically fluid in nature, and  
6 subject to change, because any potential purchaser should have any information  
7 available to them, she has a problem with adding another layer of information  
8 with this tagging system. Ms. Hill clarified that in order for a parcel to be a  
9 wetland and then not a wetland at a later time, someone would have had to fill it,  
10 either in violation to regulations or with a permit. Ms. Hill agreed with  
11 Commissioner Bode's comment that filling a property at a higher elevation could  
12 change the wetland status of adjoining lower elevated properties. Commissioner  
13 Bode observed that she finds it amazing that a group of professionals had  
14 examined a stream and determined that there are no fish present when another  
15 group provides data indicating just the opposite. Ms. Hill informed her that the  
16 information of the consultants had been based upon available information,  
17 emphasizing that they had not been contracted to look for fish and that this had  
18 been determined from standardized information listed by DSL. She added that  
19 some of her data regarding fish had been based upon the observations of fisheries  
20 biologists in the field. On question, Ms. Hill informed Ms. Bode that her  
21 concerns are in support of wetlands and the environment.

22  
23 Ms. Fryer commented that Shapiro has consistently stood by the Local Wetland  
24 Inventory they had completed and feel that it is within the parameters of the Local  
25 Wetland Inventory methodology. Although this may not be an adequate answer  
26 for many individuals who have issues with a particular wetland, she pointed out  
27 that none of the Shapiro staff are present to provide additional testimony at this  
28 time. She referred to Mr. Paulson's comments and submittal of information,  
29 suggesting that the Planning Commission review both of his issues, specifically  
30 the boundaries of this particular wetland and the issue of perennial versus  
31 intermittent stream. Chairman Maks reminded Ms. Fryer that there is also an  
32 issue with a ditch in regard to Mr. Paulson's property, and she suggested that this  
33 issue also be referred for further study.

34  
35 Ms. Fryer discussed the Friends of Rock, Bronson and Willow Creek, flag system,  
36 noting that there is no basis for adopting a map that includes areas delineated that  
37 are less than ½ an acre. She discussed the possibility of retaining the information  
38 in filing system and pulled out at time of an application. She emphasized that this  
39 information would be considered public information and would be available and  
40 accessible to any member of the public and that the City of Beaverton does not  
41 maintain any secret files. Although most of Ms. Hill's biological information is  
42 interesting, it appears to refer to fish habitat and does not actually provide specific  
43 fish presence versus absence. She pointed out that the City is currently adopting  
44 maps, not safe harbor regulations, which is anticipated at a later time. Ms. Fryer  
45 suggested Ms. Hill's information could be further researched as the regulatory  
46 mechanisms are developed.

1 Ms. Fryer recommended either continuance of this Public Hearing to review Mr.  
2 Paulson's property or recommendation of the removal of his property from the  
3 mapping based upon some criteria and DSL concurrence. Chairman Maks  
4 cautioned that only a very significant finding would satisfy DSL regulations.  
5

6 Principal Planner Hal Bergsma indicated that although Ms. Fryer is more familiar  
7 with the issue of the Local Wetland Inventory and DSL regulations, he is familiar  
8 with the basic Goal 5 administrative rule. He explained the process through  
9 which a local entity performs an inventory, noting that they must have adequate  
10 information regarding the quality, quantity and location of a resource prior to  
11 making any determination regarding the significance of a resource. He outlined  
12 the choices the local entity then faces, which include determining whether enough  
13 information is available to determine that the resource is either significant or not  
14 significant. They can also determine that not enough information is available for  
15 any such determination, at which point the final decision is deferred to a later time  
16 when they can obtain further information.  
17

18 On question, counsel indicated that he has no further comments at this time.  
19

20 Chairman Maks expressed his opinion that this Public Hearing should be  
21 continued for further feedback regarding the general identification of the potential  
22 wetland on Mr. Paulson's property. Observing that he agrees with Ms. Hill 100%  
23 with regard to the identification of wetlands of any size, he mentioned that  
24 financial concerns limit the scope of any study. He pointed out that he is opposed  
25 to her proposed yellow flagging system, noting that he might accept this if it had  
26 been identified on a previous map or delineation in the City, although the opinion  
27 of 12 neighbors does not constitute valid evidence.  
28

29 Commissioner Heckman reiterated Ms. Hill's comments that wetlands are subject  
30 to change, emphasizing that the line has to be drawn somewhere. Observing that  
31 both Mr. Paulson and Mr. French had presented valid issues, he stated that he is in  
32 favor of a continuance to attempt to resolve their issues.  
33

34 On question, Ms. Fryer informed him that when she and Mr. Bergsma had dis-  
35 cussed Mr. Paulson's issue and determined that it would be appropriate to contact  
36 DSL Representative Annette Lalka and request her concurrence on changing the  
37 map based on the information submitted by Mr. Paulson's consultant. She added  
38 that Ms. Lalka might decide to visit Mr. Paulson's property to verify and modify  
39 the boundaries appropriately. On question, she informed Commissioner Bode that  
40 this would create no additional financial burden for Mr. Paulson, adding that the  
41 DSL representative would perform this service on behalf of the City of Beaverton  
42 to verify the area in compliance in order to get the Local Wetland Inventory  
43 approved. She stated that she assumes that Mr. Paulson will allow this access.  
44 Commissioner Bode expressed her opinion that this access should be arranged  
45 between the state and the property owner, and Ms. Fryer assured her that this  
46 would not be done without Mr. Paulson's permission, adding that she would like

1 to be present, along with a representative of Shapiro & Associates. On question,  
2 she assured Chairman Maks that the DSL is in possession of a copy of this  
3 document. Commissioner Bode questioned Mr. Paulson's option of having his  
4 own consultant present, and Ms. Fryer advised her that this would be his decision  
5 at his own expense. She commented that she had suggested the presence of a  
6 representative of Shapiro for clarification of the boundary, adding that the  
7 ultimate inventory requires DSL approval for validity. Although they have  
8 concurred on all issues thus far, DSL makes any final decisions.

9

10 Commissioner Johansen observed that he would like the Public Hearing continued  
11 for the purpose of resolving the issue regarding Mr. Paulson's property.

12

13 Commissioner Wolch discussed Mr. Paulson's issue, observing that a continuance  
14 of the Public Hearing has merit. He stated that although the flagging system has  
15 merit as a general concept, he is not in support of this system.

16

17 Chairman Maks questioned the possibility of the adoption of this inventory and  
18 list the Paulson property among those parcels on which there is not sufficient  
19 information to classify as a wetland, and Ms. Fryer responded that she would  
20 hesitate to take this action.

21

22 Commissioner Dunham stated that she is in favor of continuance of the Public  
23 Hearing in regard to only the Paulson issue. She noted that although she found  
24 Ms. Hill's proposal for a flagging system interesting, administration of this  
25 system could become a potential nightmare.

26

27 Commissioner Voytilla expressed approval of continuing the Public Hearing to  
28 resolve the issue of the Paulson property and opposition to the proposed flagging  
29 system.

30

31 Chairman Maks observed that the general consensus appears to be in support of a  
32 continued Public Hearing and limiting the scope of this hearing to the Paulson  
33 property. On question, Ms. Fryer informed Chairman Maks that she feels it  
34 would be appropriate for staff to continue with ongoing research with regard to  
35 Ms. Hill's comments regarding fish presence for use in developing the regulations  
36 that follow this process. Chairman Maks advised that the testimony at the  
37 continued Public Hearing would be limited to the Paulson issue.

38

39 Commissioner Heckman reminded Chairman Maks that Mr. French also had a  
40 concern, adding that he has not yet seen it addressed.

41

42 Chairman Maks questioned whether the Commissioners would like to further  
43 address the issues raised by Mr. French and Mr. Tewksbury.

44

45 Commissioner Heckman emphasized that Mr. French had been adamant in his  
46 opinion that this particular stream is perennial, rather than intermittent, adding

1 that consideration should be given to his concerns. Chairman Maks advised  
2 Commissioner that he is attempting to address the scope of this project, which is  
3 to identify wetlands.

4  
5 Commissioner Voytilla expressed appreciation for Mr. French's testimony,  
6 adding that Mr. Paulson had provided compelling documentation from a qualified  
7 expert in this particular field.

8  
9 Commissioner Johansen expressed his opinion that Mr. French should not be  
10 precluded from returning with additional information.

11  
12 Commissioner Dunham questioned the possibility of requesting that DSL  
13 investigate both issues – Mr. Paulson's and Mr. French's, and Ms. Fryer  
14 recommended that Public Hearing be continued to May 17, 2000 and that the  
15 scope be either limited to one issue or left open for multiple issues.

16  
17 Commissioner Johansen **MOVED** and Commissioner Heckman **SECONDED** a  
18 motion to continue CPA 99-00005 – Local Wetland Inventory, to a date certain of  
19 May 17, 2000.

20  
21 Motion **CARRIED**, unanimously.

22  
23 Commissioner Johansen **MOVED** and Commissioner Bode **SECONDED** a  
24 motion to continue CPA 99-00006 – Local Wetland Inventory, to a date certain of  
25 May 17, 2000.

26  
27 Motion **CARRIED**, unanimously.

28  
29 10:02 p.m. – 10:12 p.m. – recess.

30  
31 Having been continued earlier this evening, the following Public Hearing was  
32 reopened:

33  
34 **C. TA 99-00015 – APPLICATION SUBMITTALS**

35 (Continued)

36 This City-initiated Development Code text amendment will, if approved,  
37 standardize application submittal requirements and add a provision for the  
38 enforcement of conditions for approval. The proposed amendments will affect all  
39 development and all properties within the City of Beaverton.

40  
41 Mr. Sparks submitted the Land Use Order for TA 99-00015 – Application  
42 Submittals, including corrections, as follows: 1) "...determination that such a  
43 finding **for denial** would..." and 2) "...made by ~~an~~ **any** interested party...", as  
44 requested. He observed that members of the Planning Commission have also had  
45 the opportunity to review an example of the application form for Type 2 and Type

1 3 Design Review, which contains a checklist of materials to be submitted with an  
 2 application.

3  
 4 **PUBLIC TESTIMONY:**

5  
 6 This being the time for public comment regarding TA 99-00015 Application  
 7 Submittal Text Amendment, it was observed that no one appeared to testify at this  
 8 time.

9  
 10 The Public Testimony portion of the Public Hearing was closed.

11  
 12 Commissioner Voytilla **MOVED** and Commissioner Heckman **SECONDED** a  
 13 motion to approve TA 99-00015 – Application Submittal Text Amendment, based  
 14 upon the testimony, reports and exhibits presented during the Public Hearing and  
 15 background facts findings and conclusions filed in the Staff Report dated April 5,  
 16 2000, and the Memorandum dated April 6, 2000, with the following amendments:  
 17 1) page 1 of the Memorandum, Section 1: “such a **finding for denial** would...”;  
 18 2) page 1 of the Memorandum, Section 30: “made by ~~an~~ **any** interested party”;  
 19 and 3) review of the application materials prior to signature of the Land Use  
 20 Order.

21  
 22 Motion **CARRIED** unanimously.

23  
 24 **B. CPA 99-00025 – COMPREHENSIVE PLAN LAND USE ELEMENT**

25 (Continued from March 15, 2000)

26 Notice of the initial hearing on this proposal was originally provided on Decem-  
 27 ber 17, 1999. The Planning Commission conducted hearings on the proposal on  
 28 January 19 and March 15, 2000. The Planning Commission hearing was con-  
 29 tinued to April 12, 2000. As originally described, “The proposed amendment will  
 30 replace the existing Land Use Element. The proposal intends to complete Metro  
 31 requirements related to land use requirements in local jurisdiction comprehensive  
 32 plans. Both map and text changes will be included in the proposal.” Metro Code  
 33 Section 3.07.130 requires local governments identify Design Type Boundaries.  
 34 The proposed amendment modifies the Land Use Element to more specifically  
 35 identify the Metro Design Types, to specify boundaries and to collate common  
 36 policies among the design types. Existing language will be modified to the extent  
 37 that information can be made more clear, concise or consistent with other sections  
 38 of the same element. In addition, the proposed amendment may:

- 39  
 40 • Remove references to the City’s housing program and relocate them to the  
 41 Housing/Economy Element;  
 42 • Remove references to the City’s Urban Services Area and relocate them to the  
 43 Public Services Element;  
 44 • Amend the Comprehensive Plan map to coincide with Land Use Element text  
 45 changes; and

- 1           • Place text provisions related to specific sub-areas of the City, such as the  
2           Downtown and the Murray/Scholls Town Center, in separate documents as  
3           addenda to the Comprehensive Plan.  
4

5           Ms. Fryer presented the Staff Report and recommended that the Public Hearing be  
6           continued to May 31, 2000 in order to allow CCI the potential opportunity to  
7           review the information, noting that the first meeting will be to provide the  
8           information and allow them to review it and the second meeting will allow them  
9           to make formal comments to the Planning Commission.  
10

11           Commissioner Heckman **MOVED** and Commissioner Johansen **SECONDED** a  
12           motion that CPA 99-00025 – Comprehensive Land Use Element be continued to a  
13           date certain of May 31, 2000 in order to allow review and comments from other  
14           Boards and Commission.  
15

16           Motion **CARRIED** unanimously  
17

#### 18           **APPROVAL OF MINUTES:** 19

20           Minutes of the meeting of March 15, 2000, as written, submitted. Commissioner  
21           Johansen referred to the 4<sup>th</sup> line of paragraph 4 of page 10, and requested that it be  
22           amended, as follows: “He reminded the public that ~~these meetings~~ **the**  
23           **development liaison committee meetings referred to in the letter from the**  
24           **Central Beaverton NAC are open to the public.**” Chairman Maks referred to  
25           paragraph 4 of page 9, specifically his disagreement with a written comment  
26           received from the Central Beaverton NAC indicating that the code is up for sale,  
27           and requested that it be amended, as follows: “...the comment that the code is up  
28           for sale, **emphasizing that with the type of development applications that we**  
29           **receive, either side, winning or losing, could conceivably make that**  
30           **statement.**” Commissioner Heckman **MOVED** and Commissioner Voytilla  
31           **SECONDED** a motion that the minutes be approved as amended.  
32

33           Motion **CARRIED**, unanimously, with the exception of Commissioner Wolch,  
34           who abstained from voting on this issue.  
35

36           Minutes of the meeting of March 22, 2000, as written, submitted. Commissioner  
37           Dunham referred to paragraph 2 of page 3, requesting that it be amended, as  
38           follows: “...only those wetlands greater than ~~0.05~~ **0.5** acres were assessed.”  
39           Commissioner Heckman **MOVED** and Commissioner Dunham **SECONDED** a  
40           motion that the minutes be approved as amended.  
41

42           Motion **CARRIED**, unanimously, with the exception of Commissioners  
43           Heckman and Wolch, who abstained from voting on this issue.  
44

#### 45           **MISCELLANEOUS BUSINESS:** 46

1 Commissioner Maks reminded Commissioners of next week's work session  
 2 scheduled for 6:30 p.m. Wednesday, April 19, 2000. He explained that the work  
 3 session would start at 6:30 p.m., at which time dinner will be served, adding that  
 4 the Public Hearing for Home Depot will be opened at 7:00 p.m. and continued to  
 5 a later date, and the work session will resume.

6  
 7 The meeting adjourned at 10:23 p.m.

8  
 9 CALENDAR:

|    |      |    |           |                |               |   |
|----|------|----|-----------|----------------|---------------|---|
| 10 | May  | 3  | 7:00 p.m. | Public Hearing | TPP 99-00008  | WATERHOUSE 5 SUBDIVISION  |
| 11 |      |    |           |                | SB 99-00010   | MODIFICATION  |
| 12 |      | 10 | 7:00 p.m. | Public Hearing | CUP 2000-0008 | FOUNTAIN COURT  |
| 13 |      |    |           | Public Hearing | CUP 2000-0001 | BEARD COURT CUP   |
| 14 |      |    |           | Public Hearing | TPP 2000-0001 | BEARD COURT TPP   |
| 15 |      |    |           | Public Hearing | RZ 2000-0001  | BEARD COURT REZONE  |
| 16 |      |    |           | Public Hearing | RZ 2000-0002  | SEXTON MT VILLAGE/<br>HAGGEN'S STORE                                    |
| 17 |      |    |           |                |               |   |
| 18 |      |    |           | Public Hearing | RZ Q000-0003  | SEXTON PLACE TOWNHOMES  |
| 19 |      |    |           | Public Hearing | CUP 2000-0002 | HAGGEN'S STORE 24-HOUR<br>OPERATION                                     |
| 20 |      |    |           |                |               |   |
| 21 |      |    |           | Public Hearing | CUP 2000-0003 | SEXTON MTN VILLAGE PUD  |
| 22 |      | 17 | 7:00 p.m. | Public Hearing | CUP 2000-0001 | BEARD COURT CUP   |
| 23 |      |    |           | Public Hearing | TPP 2000-0001 | BEARD COURT TPP   |
| 24 |      |    |           | Public Hearing | RZ 2000-0001  | BEARD COURT REZONE  |
| 25 |      |    |           | Public Hearing | RZ 2000-0002  | SEXTON MT VILLAGE/<br>HAGGEN'S STORE                                    |
| 26 |      |    |           |                |               |   |
| 27 |      |    |           | Public Hearing | RZ 2000-0003  | SEXTON PLACE TOWNHOMES  |
| 28 |      |    |           | Public Hearing | CUP 2000-0002 | HAGGEN'S STORE 24-HOUR<br>OPERATION                                     |
| 29 |      |    |           |                |               |   |
| 30 |      |    |           | Public Hearing | CUP 2000-0003 | SEXTON MTN VILLAGE PUD  |
| 31 |      |    |           | Public Hearing | SV 2000-0001  | SW 166 <sup>TH</sup> AVENUE STREET<br>VACATION                          |
| 32 |      |    |           |                |               |   |
| 33 |      |    | 7:00 p.m. | Public Hearing | RZ 99-00020   | CORNELL ROAD REZONE   |
| 34 |      |    | 7:00 p.m. | Public Hearing | CPA 99-00005  | LOCAL WETLAND INVENTORY   |
| 35 |      |    |           |                | CPA 99-00006  |   |
| 36 |      | 18 | 7:00 p.m. | Public Hearing | CUP 2000-0001 | BEARD COURT CUP   |
| 37 |      |    |           | Public Hearing | TPP 2000-0001 | BEARD COURT TPP   |
| 38 |      |    |           | Public Hearing | RZ 2000-0001  | BEARD COURT REZONE  |
| 39 |      |    |           | Public Hearing | RZ 2000-0002  | SEXTON MT VILLAGE/<br>HAGGEN'S STORE                                    |
| 40 |      |    |           |                |               |   |
| 41 |      |    |           | Public Hearing | RZ Q000-0003  | SEXTON PLACE TOWNHOMES  |
| 42 |      |    |           | Public Hearing | CUP 2000-0002 | HAGGEN'S STORE 24-HOUR<br>OPERATION                                     |
| 43 |      |    |           |                |               |   |
| 44 |      |    |           | Public Hearing | CUP 2000-0003 | SEXTON MTN VILLAGE PUD  |
| 45 |      | 31 | 7:00 p.m. | Public Hearing | CPA 99-00025  | COMPREHENSIVE LAND USE  |
| 46 | June | 14 | 7:00 p.m. | Public Hearing | TA 2000-0004  | TITLE 4 IMPLEMENTATION<br>TEXT AMENDMENT (cont. from<br>April 12, 2000) |
| 47 |      |    |           |                |               |   |
| 48 |      |    |           |                |               |   |
| 49 | July | 12 | 7:00 p.m. | Public Hearing | CUP 99-00032  | HOME DEPOT (cont. from April<br>19, 2000)                               |
| 50 |      |    |           |                |               |   |